

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-093975

02/23/2011

HONORABLE HELENE ABRAMS

CLERK OF THE COURT

K. Depue

Deputy

IN RE THE MARRIAGE OF
HOLLY MORAN HANSEN

HOLLY L MARSHALL

AND

CHRISTIAN MORAN HANSEN

CHRISTIAN MORAN HANSEN
3225 E BASELINE RD # 2078
GILBERT AZ 85234

TRIAL CONTINUED

Courtroom 204 – SE

Prior to commencement of today's proceeding, Petitioner's exhibits 1 through 14 and Respondent's exhibits 15 through 27 are marked for identification.

1:39 p.m. This is the time set for Trial on Mother's *Petition for Legal Separation* filed September 20, 2010 and Father's *Petition for Dissolution of Marriage* filed September 24, 2010. Petitioner/Mother is present with above-named counsel. Respondent/Father is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

LET THE RECORD REFLECT the parties reached a partial agreement dated December 02, 2010 and has already been adopted as orders of the court.

Discussion is held.

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IT IS ORDERED granting the Motion to Compel in regards to a release from Father regarding Dr. Zennor. These records are not to be attached to any motion nor filed in the docket.

Because of granting the Motion to Compel,

IT IS ORDERED granting in part the Motion to Continue regarding the issues of child custody, parenting time and child support.

Discussion is held regarding Father's Motion to Accelerate Temporary Orders Re: Child Custody filed February 18, 2011.

Holly Hansen and Christian Hansen are sworn.

On a temporary basis and by agreement of the parties,

- Father shall have parenting time every week on Wednesday, Thursday and Friday mornings from 7:30 a.m. until dropping the children off at school at 11:00 a.m. On Monday and Tuesday the children will be dropped off at Tutor Time by Mother and Tutor Time will take the children to school by 11:00 a.m. The Tutor Time on Monday and Tuesday is at Father's expense.
- Father shall have the children in his care every Wednesday from after school until 6:30 p.m. and every other week Father shall have the children from after school on Thursday until Saturday at 6:30 p.m. Mother shall have the alternate week from Thursday after school until Monday with dropping the children off at Tutor Time. All exchanges of the children shall continue to occur at Harmony Park in mesa.

Petitioner and Respondent both testify that they have heard and understood the agreement as dictated into the record, and that this is, in fact, their agreement.

Based upon the record before the Court,

THE COURT FINDS the parties have knowingly, voluntarily, and intelligently entered into the agreement. The agreement is in the best interests of the minor child(ren).

Pursuant to Rule 69, Arizona Rules of Family Law Procedure, the agreement having been made in open court,

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THE COURT FINDS it is binding and enforceable on the parties as entered on the record.

The remaining issues for trial are the division of personal property and debts.

Discussion is held.

By agreement of the parties, Father is awarded the 2 wooden chests, wood bench and the painting as his sole and separate property.

IT IS ORDERED that Mother is awarded her wedding band.

Discussion is held.

IT IS ORDERED that Mother's counsel shall provide an order regarding the division of debts and the amounts.

Discussion is held.

The Court shall take a short recess to allow counsel and the parties to confer in an effort to reach agreements.

2:53 p.m. The Court stands at recess.

3:32 p.m. The Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held.

IT IS ORDERED that Mother shall pay an equalization payment to Father of a total of \$1,850.00 regarding the Hyundai car. **Within 60 days from today's date**, Mother shall pay Father \$1,400.00. The balance of \$450 shall be due **within 90 days from today's date**. Mother is awarded the car along with the debt associated.

The Court is advised that agreements have been reached regarding the personal property issues, which is dictated into the record in the presence of both parties and counsel.

Petitioner and Respondent both testify that they have heard and understood the agreement as dictated into the record, and that this is, in fact, their agreement.

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THE COURT FINDS that the agreement entered into between the parties is not unfair and is reasonable and in the best interests of the parties' minor children. The Court hereby approves the same as a binding agreement pursuant to Rule 69, *Arizona Rules of Family Law Procedure*.

IT IS FURTHER ORDERED that counsel for Petitioner shall prepare, and submit to this Court **by March 11, 2011**, a formal **Order**, approved as to form and content by both parties, incorporating all of the terms of the parties' agreement, and the appropriate findings and orders in accordance with this order.

The remaining issues for Trial set below are child custody, parenting time, child support, attorney's fees, student loan and bankruptcy check

IT IS ORDERED continuing the **Trial/Evidentiary Hearing** in this matter **on May 11, 2011 at 9:00 a.m. (time allotted: 1 hour)** before the Honorable Helene Abrams at:

Maricopa County Superior Court
Southeast Judicial District
Courtroom 204
222 E. Javelina Avenue
Mesa, AZ 85210

JOINT PRETRIAL STATEMENT

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a **Joint** Pretrial Statement pursuant to Rule 6.5, Local Rules of Practice – Maricopa County (Domestic Relations Cases), no later than **7 days prior to trial**.

IT IS FURTHER ORDERED that both parties submit the following attachments to the Joint Pretrial Statement:

1. A current Affidavit of Financial Circumstances in accordance with Local Rule 6.4(b), accompanied by copies of federal income tax returns for the past two years along with W-2 or 1099 forms and copies of the last four pay stubs.
2. A current Parent's Worksheet for Child Support Amount pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation.

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4. If there are disputed issues regarding division of property, a current and detailed inventory and appraisal of property and assets of the parties, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the Court prefers a one page statement of all property except personal property items valued at less than \$500.00 each. If division of the marital residence is at issue at trial, the party seeking to be awarded the marital residence shall offer as an exhibit at trial the true and accurate legal description of the property.
5. A list of debts with balances.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 16(f), Arizona Rules of Civil Procedure, and Local Rule 6.6, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

EXHIBITS

IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of the Trial must be brought to this Court's Clerk in Courtroom 204 **no later than 7 days before trial with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to Courtroom 204. **All exhibits must be clearly identified, stapled separately and separated by a COLORED sheet of paper.** The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. **Any exhibits not submitted at least seven (7) days prior to the trial may not be accepted and/or marked prior to trial. Absent good cause, failure to submit all exhibits by that date will result in those items being prohibited from being utilized at the trial.**

NOTE: If either party intends to offer as evidence the digital or electronic recording from a prior court proceeding, the party shall also provide to the Court a certified transcript of the recording, which shall be marked as an exhibit. The party seeking to offer the recording as evidence shall bear the cost for preparation of the transcription. If either party intends to offer documents as evidence that are in a language other than English, the Court shall be provided with an official certified translation of the documents.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that

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will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits which the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

FINDINGS OF FACT

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, **shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial.** Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than ten days prior to trial.

SETTLEMENT

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court in accordance with Rule XII(b), Uniform Rules of Practice, and Maricopa County Local Rules 2.10(b) and 3.6(c).

The Court notes that if either party fails to appear at trial, default judgment may be entered against him or her and/or the matter may proceed at that time to trial or to a default judgment hearing under Rule 55(b)(2).

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, *Arizona Rules of Family Law Procedure*, including an exchange of all relevant information, documents and exhibits **30 days prior to the trial date. (If there is not enough time before trial, confer with the Judge).**
2. All depositions and discovery contemplated by Rules 49 through 65, *Arizona Rules of Family Law Procedure*, shall be completed and any motions regarding discovery shall be filed **30 days prior to the trial date. (If there is not enough time before trial, confer with the Judge).**
3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

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4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

LET THE RECORD REFLECT that the clerk of this division shall retain the exhibits for the parties use on May 11, 2011.

3:50 p.m. Matter concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/ s / HON. HELENE ABRAMS

HONORABLE HELENE ABRAMS
JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.